

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION**

**THE ASSOCIATED GENERAL
CONTRACTORS OF AMERICA, INC.**
2300 Wilson Blvd., Suite 300
Arlington, VA 22201

**LOUISIANA ASSOCIATED GENERAL
CONTRACTORS,**
666 North St.
Baton Rouge, LA 70802

Civil Action No. 6:24-cv-37

Plaintiffs,

v.

JOSEPH R. BIDEN, JR., in his official
capacity as President of the United States;
**FEDERAL ACQUISITION
REGULATORY COUNCIL; GENERAL
SERVICES ADMINISTRATION;**
JEFFREY E. KOSES, in his official
capacity as Administrator of General
Services Administration; **OFFICE OF
FEDERAL PROCUREMENT POLICY;**
CHRISTINE J. HARADA, in her official
capacity as FAR Council Chair and Senior
Advisor to the Deputy Director for
Management, Office of Federal
Procurement Policy; **DEPARTMENT OF
DEFENSE; JOHN M. TENAGLIA**, in
his official capacity as Principal Director,
Defense Pricing and Contracting, Office of
Secretary of Defense; **NATIONAL
AERONAUTICS AND SPACE
ADMINISTRATION; KARLA S.
JACKSON**, in her official capacity as
Assistant Administrator for Procurement,
National Aeronautics and Space
Administration

Defendants,

DECLARATION OF TODD URBINA

Pursuant to 28 U.S.C. §1746, I, TODD URBINA, declare that:

1. This Declaration is based on my personal knowledge.
2. I am competent to make this Declaration and I am over 18 years of age.
3. I am personally familiar with the facts stated herein and that they are truthful and accurate to the best of my knowledge.
4. I am the Secretary/Treasurer of Progressive Construction Company (the "Company") in Alexandria, Louisiana, within the Western District of Louisiana, United States District Court.
5. Progressive Construction Company has experience in performing federal work funded 100% by federal dollars and requiring compliance with the FAR.
6. Part of the business plan of Progressive Construction Company is to continue bidding and performing federal construction projects.
7. I am generally familiar with President Joseph R. Biden's Executive Order 14063 which requires the use of Project Labor Agreements on certain federal construction projects ("PLA Mandate").
8. Progressive Construction Company is not now and never has been a union contractor. Instead, the Company prefers to remain open shop and not having to deal with labor unions. If the PLA mandate is upheld, Progressive Construction Company will not pursue or bid such covered federal contracting work.
9. I am aware that certain federal projects are already being discussed for possible bidding, indicating they will be let in accordance with the PLA mandate. Progressive Construction Company has no intention of bidding any new federal work that would require our company to sign a Project Labor Agreement. We

prefer, and our subcontractors historically prefer, to be open shop.

10. It goes without saying that if our company does not pursue federal work that is subject to a Project Labor Agreement, the result will be a potential loss of business which would adversely impact our Company.
11. In Louisiana, where we historically bid and perform federal work, there are very few active labor unions and even fewer subcontractors who are used to dealing with labor unions.
12. Progressive Construction Company supports the effort of the Louisiana Associated General Contractors and Associated General Contractors America in attempting to enjoin the implementation of President Joseph R. Biden's Executive Order mandating Project Labor Agreements on federal projects.
13. I declare under penalty of perjury that the foregoing is true and correct and executed this 22nd day of February, 2024.


Todd Urbina